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REFLECTIONS  
ON THE  
RISE, PROGRESS,  
AND PROBABLE CONSEQUENCES,  
OF THE  
PRESENT CONTENTIONS  
WITH THE  
COLONIES.

BY A FREEHOLDER.

*Cum aliquid clementer, mansuete, iuste, moderate, sapienter factum, in iracundia præsertim, quæ est inimica consilio, et in victoria, quæ natura insolens et superba est, audimus, aut legimus: quo studio incendimur, non modo in gestis rebus, sed etiam in fictis, ut eos sæpe, quos nunquam vidimus, diligamus?*

CICERO ORAT. pro Marcello.

EDINBURGH:

Printed in the Year MDCCCLXXVI.

1776

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## ADVERTISEMENT.

Several late pamphlets, composed with much art and ability, and recommended by many of the beauties of language, have painted in black and hateful colours, the claims and conduct of the North Americans \*; and thereby, have not a little inflamed the resentment of the mother country. The author of this small tract, though deeply sensible of the inferiority of his talents, yet, confiding in the goodness of his cause, humbly attempts to soften that resentment. He represents, from the writings of the Colonists, and of gentlemen who had the best access to know their sentiments, what concessions might have been procured from them by gentle measures, and what they complained of in those acts of parliament, which immediately occasioned their taking up arms. With this view he prepared for the press the following Reflexions about a year ago. They would have been published the beginning of last session of parliament, had it not been prevented by the negligence of one, with whom the manuscript was entrusted. It was not, till after many months, that he recovered the manuscript. Want of leisure, and very imperfect and doubtful information as to late facts and reasonings, have permitted him to make no important addition, unless a paragraph occasioned by the pamphlet entitled *Common Sense*. Still he flatters himself, that this publication, though late, is not unseasonable. He wishes to convince his fellow  
Freeholders,

\* *Taxation no Tyranny. The Address of the People of Great Britain to the Inhabitants of America. The Rights of Great Britain asserted against the Claims of America, &c,*

Freeholders, especially such of them who have seats in parliament, that, if the success of the British arms, shall put it in our power, to prescribe to our colonies conditions of peace; it will be our duty, our honour, and our interest, by a generous use of victory, to regain the lost affection of our old friends, and to extinguish in them every desire of becoming independent on Great Britain.

18th Oct. 1776.

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REFLECTIONS on the Rise, Progress, and probable Consequences, of the present Contentions with the Colonies.

§ 1. **H**AD authority determined me which side to take in the important question, how the mother country ought to conduct herself towards the colonies, I would have embraced these sentiments in favours of administration, which happen to be popular and fashionable with the greater part of my neighbours, my nearest relations, my most intimate friends, and the gentlemen with whom I generally think and act in other matters. But no authority, however respectable, can be pled against reason. No names or numbers will warrant my ascribing justice or wisdom to measures, in which my understanding thinks it discerns the reverse.—A fair state of the grounds of my opinion will satisfy the impartial, that I have not formed it rashly: and may furnish many of my countrymen who wish to judge candidly, with some not unuseful information, scattered in books, pamphlets, and periodical publications which they have not opportunity or leisure to peruse, as to the sentiments of the Colonists, their manner of pleading their own cause, and the regard due to some of their pleas

§ 2. One chief circumstance, that hath reconciled a great part of the nation to war with the colonies, is, an apprehension that there was a general desire in them of independence on the mother country. Their extensive territory, wholesome and temperate climate, luxuriant and fertile soil, rapid population, commodious ports, and variety of products, united many of their friends and enemies in the idea that North America would one day become the seat of a flourishing empire. It is not improbable that, in some future period, this would have happened:



pened: and artful designing men found it no difficult task, to excite or cherish suspicions, that the colonies were already aiming at this, and that checking their growth, and abridging their liberties, was the only method of defeating their schemes. But an able writer, no way biased in favour of the colony claims, and who had the best advantage for knowing facts, hath born ample testimony, that the Colonists in general were loyal to their sovereign, well affected to the mother country, zealous for her prosperity, and far from harbouring any rebellious designs against the just rights of government. Their merchants are, and ever must be, in a great measure allied with these of Britain; their very support consists in this alliance, and nothing but false policy here can break it (*a*). Their political and religious principles are incompatible with submitting to the government, or asking the protection of France or Spain. No one colony could by itself shake off dependence on the mother county: and no two had any common magistracy or principle of association, till the attempting to connect them to us by power, connected them to one another in policy. Before this, their different charters, forms of government, manners and customs, religious sentiments, jarring claims and interests, and the rivalry and jealousy arising from all these, prevented any such union among them one with another, as all of them had with the mother country (*b*). That there might be amongst them men of republican principles, or men ambitious to be the heads of a new kingdom or commonwealth, is no unnatural supposition: But had Britain left them in the happy situation in which they were before the stamp act, these would have been few in number, and could never have persuaded twelve provinces to revolt from a government, under which they felt themselves easy and secure.

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(*a*) Pownal's administration of the colonies. 4th edition, Lon. 1768. p. 40. and dedication, p. 6 and 8.

(*b*) Pownal's administration, p. 35, 38, 93.

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In answer to this, it may be urged, that a pamphlet entitled *Common Sense*, published at Philadelphia the beginning of this year, argues the necessity of the colonies declaring themselves independent on Britain. I reply, That pamphlet has been refuted by other writers at Philadelphia, under the signatures of Candidus, Rationalis, and Cato. The following extract from Cato's second letter to the people of Philadelphia, 11th March 1776, will, I hope, be acceptable to some of my readers.

“ Nor have many weeks yet elapsed since the first  
 “ open proposition for independence was published  
 “ to the world. By what men of consequence this  
 “ scheme is supported, or whether by any, may possibly be the subject of future enquiry. Certainly  
 “ it has no countenance from the congress, to whose  
 “ sentiments we look up with reverence; on the  
 “ contrary, it is directly repugnant to every declaration of that respectable body. It would be needless to quote particular passages in proof of this,  
 “ as they are to be met with in almost every page of  
 “ their proceedings. I will refer to a few only, viz.  
 “ their Resolves, March 5. 1775; their Declaration,  
 “ July 6.; their Address to the King, July 8.; their  
 “ letter to the lord mayor of London; and more  
 “ especially, their declaration for a fast, 12th June,  
 “ in which, with the deepest marks of sincerity, they  
 “ call upon all America to join with them in addressing the great Governor of the world, humbly  
 “ beseeching him to avert the desolating judgments  
 “ with which we are threatened; to bless our rightful sovereign, &c. that so America may soon behold the redress of her many grievances, the restoration of her invaded rights, and reconciliation  
 “ with the parent state, on terms constitutional and  
 “ honourable to both.—Will any one be so hardy  
 “ as to say, that either the appointment or observation of this solemn day was a mere mockery of  
 “ heaven and earth? I trust not. I might add the  
 “ sentiments of our own representatives in assembly,



" expressed in the instructions to their delegates;  
 " the sentiments of Maryland in similar instructions,  
 " the resolves of New Jersey and New Hampshire.  
 " Nor shall the much injured province of Massachu-  
 " set's bay be left out of the catalogue, whose  
 " provincial congress, while yet bleeding with the  
 " wounds received at Lexington, thus addressed the  
 " inhabitants of Great Britain: *These are marks of*  
 " *ministerial vengeance against this colony; but they*  
 " *have not yet detached us from our royal sovereign, &c.*  
 " *trusting that in a constitutional connection with the*  
 " *mother country, we shall soon be a free and happy*  
 " *people.* Some future opportunity I doubt not to  
 " make it appear, that independence is not the cause  
 " in which America is now engaged, and is only the  
 " idol of those who wish to subvert all order among  
 " us, and rise on the ruins of their country." Late  
 events do not prove what the colonies originally in-  
 tended, but what advantages artful men have gained  
 to mislead them from the conduct of administration.

§ 3. But, " are not the American claims of ex-  
 " emption from parliamentary taxation, a virtu-  
 " al renouncing subjection to the king, and de-  
 " pendence on the mother country? If the Ame-  
 " ricans have the exclusive right of taxing them-  
 " selves; what power is to remain in the supreme  
 " legislature? May the British parliament tell them  
 " how much they shall contribute? If the sum may  
 " be prescribed, they will return few thanks for the  
 " power of raising it (c); if they are at liberty to  
 " grant or to deny, they are no longer subjects (d).  
 " In sovereignty there are no gradations. There  
 " may be limited monarchy, but there can be no  
 " limited government. There must in every socie-  
 " ty be some power or other from which there is  
 " no appeal, which admits no restriction, which  
 " pervades the whole mass of the community, enacts  
 " laws

(c) Surely this is no compliment to Lord North's concili-  
 atory motion.

(d) Taxation no Tyranny. 3d edition p. 51.

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" laws or repeals them, erects or annuls judica-  
 " tures, extends or contracts privileges, exempt  
 " itself from question or controul. From this all  
 " legal rights are emanations, which, whether e-  
 " quitably or not, may be legally recalled (e). The  
 " charter by which provincial governments are con-  
 " stituted, may be always legally, and where it is  
 " either inconvenient in its nature, or misappli-  
 " ed in its use, may be equitably repealed (f)."

— Could a gentleman of good sense and pene-  
 tration, seriously think, that these principles and rea-  
 sonings had any chance to reconcile the colonies to  
 the claim of parliament to make laws for them in e-  
 very case whatsoever? Was not this telling them, You  
 cannot be subjects of Britain, unless you are slaves? You  
 renounce your allegiance, and deserve to be  
 hanged as rebels, unless you acknowledge in Britain  
 an unlimited power to give you law: a power to  
 forbid and punish your worshipping God according  
 to the dictates of your conscience, to stop the li-  
 berty of the press, to take every farthing of your  
 money without your consent, to abolish trial by  
 juries, and to deprive you of every security for li-  
 berty, property, or life itself. But why do I talk of  
 depriving you of what you never possessed? You  
 have no rights, which are not revocable at pleasure.  
 You, and all that you have, are the property of  
 your rulers, and whatever they demand, whatever  
 they inflict, you are traitors, if you do not sub-  
 mit.— What can be the probable effects of this won-  
 derful doctrine, if it has any effect at all, unless  
 to drive the colonies to the madness of despair, by  
 that madness to inflame in the mother country the  
 rage of resentment, and by the consequences of  
 both to facilitate the success of the machinations of  
 France, of Spain, and of a popish pretender? All  
 the invectives of a Crisis, or North Briton, the e-  
 loquence of a Junius, and the wit of a Churchill,  
 give:

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(e) Ib. p. 24, 25.

(f) Ib. p. 27.

give not half the wounds to the peace of the British empire, which she receives from the pen of this her pretended advocate. Let Tories beware of breathing out threatening and slaughter, against those who have occasioned the violent proceedings of the North Americans, lest these evils should fall on his head, who is neither the least able, nor the least zealous of their friends.

Strange however as it may seem, it is no less true than strange, that many who profess and fancy themselves Whigs, approve and admire this author, and the faithful retailer of his principles, the Rev. Mr John Wesley. Would their forefathers, who so successfully opposed despotism in a prince, have heard with patience, that the house of commons, whose power was wholly derived from their constituents, might, at the requisition of the other branches of the legislature, lawfully divest their constituents of every power, right and privilege; and that the constituents could not, except by rebellion, resist the act thus divesting them? In some future period, it is not impossible, that a majority in both houses of parliament, bribed by posts and pensions, may compliment an ambitious monarch with absolute power. Law hath not fixed a precise line, beyond which the authority of the supreme legislature over subjects cannot extend. But doth it therefore follow, that this authority is unlimited, and that if it is exercised to annul that security for national happiness, which is the great end of government, the people have no right to prevent the ruin of themselves and posterity, by opposing this wanton perversion of power? Can Britons boast of their constitution and liberty, if others have a right of taking from them at pleasure every thing that passion or interest prompts them to take? Would slavery and wretchedness be less galling and intolerable, because imposed by all the branches of the legislature; and not assumed by the prince in opposition to lords and commons? Is such an injury to be tolerated, because

cause two or three hundred concur in it, and add ingratitude and breach of trust to injustice?

But to return to the case of the colonies. It will not follow, if they are at liberty to give or to refuse the money requested by parliament, that therefore they are no longer subjects of the British empire. The members of the house of commons are subjects of our sovereign, and yet have a right to grant or deny the subsidies he asks. A state is not independent on its rulers, tho' these rulers have not authority to destroy it. The absolute command of the purse is not necessary to that dependence or subjection, whether of individuals or communities, which is consistent with liberty and property. A dependence or subjection incompatible with these, the British constitution is happily ignorant of. The Irish chuse their own representatives, by whom alone they are taxed, and will not allow the British legislature to alter a word in a law to tax them. Their acts are sent over to be approved, not by the British parliament, but by the Crown: Yet they dispute not the authority of their rightful sovereign, or their dependency on Britain. The British monarch appoints their lord lieutenants, who, when he thinks proper, adjourns, prorogues, or dissolves their parliament.

The assertion, that colony charters may be always legally, and where the present state finds them inconvenient, even equitably revoked, is warning the colonies to put no trust in the promises of Britain, because Britain may legally and even equitably break them, when she thinks it convenient. It is however to be hoped, the colonies will not mistake the voice of this writer for that of parliament or administration. This would be as unjust as to impute to a general the cruelty or treachery committed without his knowledge or consent; whether by a mercenary or volunteer in the service.

§. 4. I am not sufficiently acquainted with the charters of the several colonies, to determine the nature

nature and extent of their dependence on Britain. One who has been governor to some of them, and whose testimony the friends of administration will not call in question, hath given this account of it. Before the civil wars, the king considered the colonies not as subjects of the realm, but as his subjects in these his foreign dominions; and on that account, when parliament 1621 and 1624 attempted to take cognizance of their affairs, it was objected to by the servants of the Crown, and dropped (*g*). The Colonists viewed themselves as in immediate connection and subordination to the king; and they and their posterity were acknowledged entitled to enjoy all the liberties and immunities of free denizons and natural subjects, to all intents and purposes, as if they had been abiding and born within the realm (*h*). No government therefore, less free than that which they had left, could be justly established among them. Hence their general assemblies had power of enacting laws, imposing taxes, erecting courts, and creating magistrates (*i*). They acknowledged themselves subordinate to England, and that she might justly restrain them from any thing repugnant to her rights and interests; but held their allegiance only as due to their sovereign as their head, not as the head of another people. They were all in the true spirit and meaning of the thing, counties palatine, and some of them were actually and expressly created so (*j*). Considered as having quitted the realm, they were incorporated into distinct communities; had the jura regalia granted them, and their own peculiar legislatures, free, uncontroulled and complete, in conjunction with the king's deputy (*k*). Their constitution was treated as the same with that of Jersey, which had a right to hold a convention of the three estates of the island, in which the king's governor had a negative voice, and where the great business was raising money to supply public occasions (*l*).—In the

(*g*) Pownal's administration, p. 48, 49. (*h*) *Ib.* p. 50.  
 (*i*) *Ib.* p. 52. (*j*) *Ib.* p. 54. (*k*) p. 138. (*l*) p. 60.



the year 1643, the lords and commons assumed the executive powers of government, and were in fact the acting sovereign. In that capacity they made laws for the plantations; nay, in 1646 charged them with a tax on excise, but at the same time exempted them from all other tax or duty, provided their trade was carried on in English bottoms (*m*).—On the restoration of the monarchy, the parliament taking up the idea from the power they had exerted during the commonwealth, that the colonies belonged to the realm, and the king having participated with them, his sovereignty over these his foreign dominions, they became in fact subjects of the kingdom; and parliament, in the capacity of supreme legislature of the realm, interposed in regulating their trade, limiting their rights and property, and even taxing them (*n*). Henceforth king and parliament conjunctly may be stated as sovereign, and the colonists as subjects. Still, however, if these subjects were entitled to the rights and privileges of Englishmen, the power of this sovereign must have some bounds in its extension and exercise; and here questions naturally arise, Whether this sovereign can disfranchise them of their rights, because settled beyond the territorial limits of the realm? Whether they are entitled to a constitution of the same political liberty as that which they left? Or, Whether the whole of their constitutions are liable to be new modelled and reformed, or suspended and taken away at the will of this sovereign? (*o*) To an unlimited right of taxing them much may be objected. In granting supplies by imposing taxes on the people, the house of commons is the sole originating and forming agent, as to the matter, measure, and time; while the king and lords only consent. Of this I know no reason, but that assigned, Commons Journal, 1672. "The commons act as granting for the "counties and societies whom they represent." Tho' some

(*m*) Pownall's administration, p. 127. (*n*) *Ib.* p. 125.  
 (*o*) p. 135.



some have no vote in electing them, the property of the copyholder is represented by its lords; and that within a city, by the body of freemen in it, who chuse the member of parliament. But how can the commons represent the property in America, when stated as being without the realm, and no part of any county or city of the same? Can it be said, that in imposing taxes, the commons do not act in virtue of their representing the towns and counties for whom they grant? Or, Is it true, that in granting for these towns and counties which they represent, they do also represent the property of America? (p) If, at the Restoration, the colonies came under the authority and jurisdiction of parliament, they also became participants of the rights and liberties on which the power of parliament is founded. As by new acquisitions and improvements, by trade, manufactures, and colonies, the circumstances of the realm must be often changing; and this representative body cannot instantly and equally follow these changes; it must necessarily at times not be an actual representative. Yet, as the principle that no free people ought to be taxed but by their own consent, is invariable, so the mode of representation has altered, so as to extend to and suit the mode under which the represented were found to exist. Hence many towns, counties, and even dominions, not previously represented, have, as they acceded to the realm, or increased within it, been called to a share in the common council, as the counties palatine of Durham and Chester \*, and the dominion of Wales, so that they might not be grieved with acts and statutes, passed without their consent, and contrary to their interest; and when King Edward planted a colony in Calais with all the privileges of free-born subjects, that colony sent burgeses to parliament. Parliament has

(p) Pownal's administration, p. 134.

\* The act for admitting members from Chester says, that taxation and other proceedings of parliament, extending over unrepresented inhabitants are tyrannical and illegal.

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has never ceased to be deemed the constitutional representative, and to act as the common council of the whole dominions of the realm: but, on the other hand, has always given subjects power to send representatives, as they have arisen to an importance and share of influence in the state, which could justify the measure (q). Or, if as in the case of the American colonies, the foreign acquisitions have been deemed so far separate from the kingdom, that they could not be incorporated into any county or city within the realm, and that their state and condition could be little known by parliament; the governor, council, and representatives of the county assembled, have been admitted to make laws, and impose taxes respecting that community, although subordinate to the government of the mother country, and not capable to act contrary to it. If government required money for extraordinary services, the requisition of the crown was laid before the assembly by his majesty's commissioner the governor. They always enjoyed the liberty of judging by their representatives, how internal taxes should be raised within their respective governments, and what was the ability of the inhabitants to pay them (r). There was good reason for this. The true ground of justice whereby the parliament grants supplies is, that they give what is their own; that they lay no tax, which does not affect themselves and their constituents; and that they do not grant from the property of others to ease themselves. Let the statesmen apply this reasoning to the state of the colonies (s). It strongly pleads their exemption from internal taxation by parliament, but does not conclude their immunity from external taxes. The charter of Virginia, after having directly fixed the right of payment of subsidies, imposts and duties from the company to the crown, and having made a grant of the same to the company for 21 years, hath these words, "That they shall be free from all subsidies and customs from

(q) Pownall's administration, p. 139. (r) *Ib.* p. 149.  
(s) p. 173.

"stoms in Virginia for 21 years, and from all taxes  
 "and impositions for ever;" making not only an  
 exprefs distinction in the matter, but in the right.  
 In consequence of this, the charter incorporating  
 them, gave the internal government a right of tax-  
 ing them. The charter of Maryland reserves to the  
 king and his heirs for ever, imposts, duties and  
 customs, which the people of that province are by  
 their charter bound to pay: Yet the same charter,  
 distinguishing between internal and external taxati-  
 on, says, "We, our heirs and successors, shall at no  
 "time set and make, or cause to be set, any imposi-  
 "tion, custom or taxation, on the inhabitants of  
 "the said province, for their lands, goods, tene-  
 "ments, or chattles, within the said province." In  
 the same manner, and almost in the same words,  
 all the charters of incorporation and government,  
 make the same distinction, stipulating expressly for  
 the payment of all impost and duties, according to  
 the law of merchants; but leaving the lands, &c.  
 to be taxed by the several Provincial legislatures.  
 The administration of government towards these  
 people, has been conducted on this plan for a cen-  
 tury and a half, always imposing external and port  
 duties, but never directly laying internal taxes on  
 the Colonists for their lands, &c. or on their trans-  
 actions within the precincts of the jurisdiction of  
 their several territories. The colonies having been  
 used to this distinction, by the course and practice  
 of government, have in their reasonings marked an  
 essential difference in the nature of the thing. What-  
 ever duty is imposed on any property imported in-  
 to their country, is thus annexed to that property;  
 but is not imposed upon them either in their rights  
 or persons, until they choose, by purchasing that  
 property with the tax annexed to it, to annex that tax  
 also to themselves. But this they used to consider  
 as an act of their own consent. Whereas, whate-  
 ver tax is imposed on any property, which, within  
 the precincts of their jurisdiction, is immediately  
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and intimately united to their persons and rights : Such tax must be paid, without any interposition of their own will (i). Till the year 1764. Britain never exerted a right of imposing internal taxes on the colonies (u). Till the year 1768, the colonies never did in form, and as of right, claim exemption from port duties laid on by parliament, tho' they well knew that these duties made part of the revenue of the customs, which were granted by the commons of Great Britain to the Crown, in support of its government and dignity (v). When Britain saw that she had exceeded in her power, and had advanced beyond this line, the good humour and honour of the nation returned to it. The colonies have now in their turn advanced beyond this line; and if all which they desire, is to be placed on the standing on which they were originally put, they also will fall back to it in their turn (w). This is the only safe line of peace. But, if mutual trust and confidence is destroyed, no other line of pacification remains, than either that the colonies be admitted to the parliament of Great Britain by a general British union; or, that they have a parliament of their own, under an American union. There is no other alternative, than that they be put either in the situation of Scotland, or in that of Ireland. The first of these was proposed near 20 years ago, and might then have been easily carried into execution. Ten years ago it was not desperate, but the spirit of this country disdained the idea; and now the colonies, in their turn, will not hear of it, so that the opportunity is lost. If this be the case, and if it is probable that the colonies being let alone, will form an American union; and that, being agitated by opposition from without, they will the sooner, the closer, and the firmer coalesce, what remains but to put a British stadtholder, a king's lieutenant, at the head of that union? When the Netherlands separated from

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(i) Pownal's administration of the colonies, part II. Lon. 1774. p. 65, 69. (u) Ib p. 78. (v) Ib p. 64. (w) Ib. p. 79.

the Spanish government, the wise and temperate among them sought to put themselves under the English in this very form (x). Such has been invariably the course of human affairs, that, wherever a country has been originally divided into a number of small free independent states, the necessity of a common referee, who has power sufficient over all, to carry into execution these regulations and remedies which are required by all, has always obliged such states to create some one such referee among themselves, or to call in one from without. If this establishment is formed on preconceived modes of policy, the government may be that of law: If it be only dragg'd into existence by power and force, it must be the government of men, and founded on the deprivation of freedom (y). If a certain annual income is demanded of the colonies in lieu of protection, it must be so laid in fair and equitable proportions at present, that as the colonies increase, it may so increase, as still always to hold the same proportion (z).

§ 5. Though I cannot fall in with all the sentiments and proposals of this respectable writer, yet in general they merit an attention, which, I am afraid, they are not like to meet with from either party. They who have leisure and opportunity would do well to consider his proofs, part I. p. 281. — 318. That a revision of the laws of trade, so far as they respect the colonies, and mitigating some of the restrictions of the navigation act, would tend to increase the commerce and wealth of the mother country. If the candid peaceable spirit, that appears in his writings on one side, and Mr Dickinson's Essay on the constitutional power of Britain over the colonies, reprinted, London 1774, or the other, animated gentlemen of influence on both sides, expedients would soon occur, for stopping the calamities of war, and restoring mutual confidence and affection to mother country and colonies.

(x) Pownal's administration, part II. p. 81, 82. (y) *ib.* p. 35. (z) *ib.* p. 103.

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It may, not be amiss to lay before my readers, some of Mr Dickinson's reasonings in that Essay, in confirmation of Mr Pownal's. Trade was the object of England in encouraging colonies. A love of freedom was the chief motive of the adventurers. They must therefore have been idiots, if they had become Colonists, on condition that every shilling they gained might lawfully be taken from them, and armed men set over them to govern them in every action. The freedom of a people does not consist in the extent of their commerce, and therefore by restraints on their commerce is not infringed. By making peace or war, the king may open or stop trade, as he pleases. Whether Britain will continue free, she herself must determine: how she shall trade, must be determined by other nations. The right of acquiring depends on others: the right of acquired property solely on the owner. A power of regulating our trade is subject to a natural and constitutional check. Britain cannot injure us by taking away our commerce, without immediately hurting herself. But a supreme legislative power over us, is a power without check or limit. She might ruin us by it. The injury to herself might be remote, and despised by her. The power of regulating our trade, formed on one of these original contracts, which only can be a foundation of just authority, was the only bond that could have held us together. Without such a bond, our general commerce with foreign nations might have been injurious to Britain.—It is pled, that there are many in Britain not qualified to vote by their property, though possessed of a considerable share, as proprietors of funds, the East India company, &c. But not to insist that a complete representation was intended by the constitution, that every defect in the representation is against it, and that a smaller defect can be no argument for a greater, I would observe, that though these proprietors, &c. have no right to vote in that capacity, they

they may have it in another character as freeholders, &c. Even these not entitled to such vote in England, and incapable of obtaining it, have this protection, that representatives and their electors are bound by the laws made, as well as the rest of the people; and the unrepresented living in the same kingdom cannot be affected, unless the representatives and their electors are affected also. But the members of a British parliament, by granting a revenue in America, give not a single penny out of the pocket of the granters, or their representatives; nay, they save money to both. Statutes might grind us, while not an elector in England would know or regard our sufferings. The lords who protested on the repeal of the stamp act, openly avowed, that it was the indispensable duty of parliament to tax the colonies, in order to ease the gentry and people of Britain. Our dispute therefore includes more than the present taxets laid upon us. Britain is about one hundred and forty millions in debt: If she can pay any part of that debt, by taxing us without our consent; she may, if we can raise the money, pay the whole. Hard is our fate, if to escape the character of rebels, we must be degraded into that of slaves! Parliament could have raised more money by stopping the drawbacks which are allowed on some articles upon their exportation from England, than by all the duties laid upon them on their arrival in the colonies. These duties were therefore laid on, not for the sake of the money, but to establish a precedent for taxing the colonies, the fatal consequences of which we could not but dread.—It has been urged, that precedents shew a power of internal legislation over us, rightfully vested in parliament. But submission to unjust sentences, proves not a right to pass them. Submission may sometimes be a less evil than opposition, and therefore a duty. But when submission becomes inconsistent with, and destructive of the public good, it is equally our duty to oppose. Because precedents have been introduced

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duced by the inattention or timidity of some, or the cunning and violence of others, have the latter a right to make the former miserable? Do precedents that ought never to have been set, repeal the laws of justice, humanity and equity? Precedents therefore to justify perpetual oppression, have no force. What would the liberties of Britain have been at this time, if precedents could have made laws inconsistent with the constitution? It is a maxim of law, that a bad usage ought to be abolished: The equal distribution of justice, and the free enjoyment of property, are the great objects of society, and no time, no precedent, no contract, can destroy her claims to them.

§. 6. To these observations from Messrs Pownall and Dickinson, I will subjoin a few extracts from a sensible anonymous writer, who has replied to the New York Farmer's Free Thoughts on the proceedings of the Continental Congress 1774, and whose ideas, in some particulars, differ from theirs.

The authority of the British parliament over America would, in all probability, be a more intolerable and oppressive species of despotism, than an absolute monarchy. An absolute prince is under no temptation to purchase the favour of one part of his dominions at the expence of another; for it is his interest to treat them all upon the same footing: But lords and commons have a private and separate interest to pursue, and must be wonderfully disinterested, if they would not make us bear a very disproportional part of the public burdens, to avoid them as much as possible themselves. The sacrifice of our interest and ease to theirs, will be extremely welcome and alluring to them; nay, they may court the gale of popular favour, by laying oppressive impositions on their American vassals, and by that means lessening the burdens of their friends and countrymen. Besides, our dawning splendor is looked upon with a jealous eye, as portentous of approaching independence. Jealousy is a predominant

passion of human nature, and where-ever it takes place in rulers, they conclude that they have no security for their authority, unless by rendering their subjects abject and dispirited, intimidating and awing them, and as much as possible increasing their own power, and impairing the people's. To effect this in America, a large standing army would be maintained out of our own pockets, under pretence of defending us, but in fact to make our bondage and misery complete. We might soon expect the martial law universally prevalent, and every bulwark of personal safety abolished. A numerous train of court dependents would be created, and supported at our own expence. The value of all our possessions, by a complication of extorsive methods, would be gradually depreiated, till it become a meer shadow. Deplorable is the condition of that people, who have nothing else than the wisdom and justice of another people to depend upon. It is by means of their interest, we must make other communities promote our's. Without this we have no security for any thing of which they can deprive us, except their good wills, *i. e.* none at all (*a*).—It is an invariable maxim, that every acquisition of foreign territory, is at the absolute disposal of the king, and unless he annex it to the realm, it is no part of it; and if it be once alienated, it can never be united to it again, without the consent of the proprietors (*b*). The exclusive regulation of our commerce is a sufficient tribute to Britain for protecting it. The balance of trade is much against us. The profits Britain derives from us every year exceed two millions and a half sterling. If her protection merited a greater recompence, her just demands might be satisfied, without putting it in her power to ruin us. We assent to the exercise of a power, which ascertains to Britain a vast annual income. Further aids ought to be left

(*a*) Farmer refuted. New York, 1775. p. 11, 12, 13, 18.  
 (*b*) Ibid. p. 25.

left to that loyalty, fidelity and generosity, which the colonies, especially Massachusets, that injured and calumniated country, so signally displayed, in sparing neither men nor money in the last war (c).—Parliament's legislating for us, and raising a revenue upon the articles of commerce, would be a sufficient degree of slavery. It is absurd to say, that Britain could not impose heavy burdens on our commerce, without immediately feeling the effect herself. She may enrich herself by reducing us to penury and wretchedness. We are already forbid to purchase the manufactures of any foreign countries. If we might manufacture our own materials, that might be a refuge to us, and a security against any immoderate exactions. But this too might be prohibited. We should then be under an inevitable necessity to purchase goods from Britain, that we could not do without, however excessive duties were laid upon them; and Britain would be enriched by draining us of all our wealth, for these necessities. As to our trade with foreign countries, the burdens imposed on that, increase her public treasure. Her inhabitants would pay no part of them: they fall solely upon us. The incumbrances of our foreign trade would not injure her's. In a period not far distant, the productions of our country will infinitely exceed the demands which Britain can have for them; and as we shall then be greatly advanced in population, our wants will be proportionably increased. These circumstances will open an ample field for extortion and oppression. Tyrannical edicts would always be ready to silence our murmurs. A formidable army would be kept up to enforce them. The slightest struggles to recover our lost liberty, would become dangerous and even capital. Continental conventions, by which there might be a communion of councils and measures, would be interdicted. Non-importation and non-exportation agreements, would be made treasonable. No remedy would

(c) Farmer refuted, p. 41, 45. (d) Ib. 44.



would be left, but in the clemency of our oppressors; a wretched one indeed, and such as no prudent man would confide in (*d*). I have not time to transcribe the evidence adduced by this writer, p. 25—38. that parliamentary claims of taxation have no support in any of the charters, except that of Philadelphia, in which there is a reserve in favour of parliament, which must either be rejected; interpreted of duties for the regulation of trade, not internal taxations; or the general tenor of the grant become unintelligible. King James granted to the company of New Plymouth all jurisdictions, royalties, &c. within a certain tract of land, and the adjacent islands and seas, reserving only the fifth part of all gold and silver ore, in lieu of all duties, demands, and services. Their council was vested with the sole power of legislation, coinage, making war, and peace, &c. The inhabitants a few years after purchased these rights from the patentees, and became an independent state by charter. King Charles I. granted to the company of Massachusetts Bay, powers and privileges resembling those of New Plymouth. The Connecticut and Rhode Island charters, granted by Charles II. reserve only allegiance to the king, without the smallest share of the legislative or executive powers. The Massachusetts colony did not accept their new charter from William and Mary, till advised by the best civilians, that their religious liberties were for ever secured, and that they could be touched by no tax or law, but of their own making. This, and what has been formerly observed on the same subject from Governor Pownall, shews, that claims from charters to exemption from taxation, are not, as Dr. J. Mr. W. and others, give out, peculiar to Maryland. The temporary exemption from taxes in Massachusetts Bay refers to quit-rents for lands; which exemption is commonly granted for a certain number of years, to the first settlers in every new colony; and there-

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(*d*) Farmer refuted, p. 44.

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fore Mr Mauduit, Dr J. and others, have been too hasty in concluding, that the Massachusets colony, by accepting the charters of James and Charles I. freeing them from taxes for seven years, virtually stipulated to pay taxes after the expiration of that period.

§. 7. Still further evidence may be had, what claims would probably have been insisted on, and what concessions made by the colonies, from the resolutions and instructions of the provincial congress in Pennsylvania, 15th July 1774. There they ask Britain's renouncing all powers of internal legislation, of imposing taxes internal or external, and of regulating trade, except with respect to new articles of commerce which the colonies may hereafter raise, and the repeal of the acts of the former session of parliament respecting Massachusets Bay; and then say, It will be reasonable for the colonies, to settle a certain annual revenue on his majesty, subject to the controul of parliament, and, to satisfy all damages done to the East India company. From Britain alone we shall continue to receive manufactures. To her alone we shall continue to carry the many articles of commerce, the exportation of which her policy hath thought fit to confine to herself. With such parts of the world only as she hath appointed us to deal, we shall continue to deal; and such commodities as she hath permitted us to bring from them, we shall continue to bring. The executive and controuling powers of the Crown, will retain their full force and operation. We shall contentedly labour for Britain as affectionate friends in time of tranquility, and cheerfully spend for her as dutiful children our treasures and blood in time of war. She will receive from us a certain income without the trouble and expence of collecting. The officers employed by Britain consume a large part of what she takes from us. We could raise the same sum in a much more easy, equal and cheap manner. Our barracks cost 8000 l. of this money, and

and the barracks of another place, not deserving a comparison with ours, cost 40,000 l. sterling. If money is raised upon us by parliament, of one thousand pounds taken out of our pockets, not one hundred will be usefully applied to the service of the Crown. The interruption of our commerce must distress many of our fellow subjects at home, and therefore we request that our deputies exert themselves to induce the continental congress, to make a full and precise state of grievances, and a decent yet firm claim of redress, and to wait the event before any other step is taken.—Probably Pennsylvania in general would have gladly accepted these, or even in some articles, less favourable terms of accommodation. And it may be presumed New York, New Jersey, Maryland and Georgia, would not have risen higher in their demands; and that their united influence must have had great effect on the other colonies.

§. 8. It hath been alledged, that all the claims of the colonies to an exclusive right of taxing themselves, took their rise from the conquest of Canada. Perhaps, it might be said with greater truth, that the idea of parliament taxing them, was suggested by certain gentlemen employed in America during the late war, and desirous of procuring for themselves, or relations, offices in the army, or customs, in that country. But American ideas of taxation were much the same in the last, as in the present century; only the regard paid to them by government was then greater. The governor of New York very early imposed ten *per. cent.* on all goods imported at the Hoar Kill, though neither that, nor West Jersey, was legally under his jurisdiction. The settlers, from the first, complained of the hardship, but bore it with tolerable patience till about 1680, when application was made to the Duke of York, who referred the matter to the council, where it was reported in their favour, and  
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the duty ordered to be discontinued. Among the arguments in the paper presented to the Duke's commissioners against the customs, were these, " If we could not assure people of an easy, free, and safe government, both with respect to their spiritual and worldly property ; that is, an uninterrupted liberty of conscience, and an inviolable possession of their civil rights and freedoms, by a just and wise government, a meer wilderness would be no encouragement : For it were madness to leave a free, good, and improved country, to plant in a wilderness ; and there adventure many thousands of pounds, to give an absolute title to another person to tax us at will and pleasure. You plead that Jersey was a conquered country, and that the king being the conqueror had power to raise money, make laws, &c. and that this power he had vested in the duke, by right of which he demands that custom we complain of. But suppose the king were a conqueror, did his power extend equally over his own English people, as over the conquered ? Are not they some of the letters that make up the word Conqueror ? Shall a people free by law under their prince at home, be at his mercy in the plantations abroad ? The king's grant to the duke of York, is plainly restrictive to the laws and government of England, in the constitution of which it is fundamental, that the king cannot take his subjects goods without their consent. See *Magna Charta*, chap. 29. ; 34th Edward III. chap. 2. ; and 25th Edward, chap. 7. To give up the power of making laws, is to sell, or rather to resign ourselves to the will of another for nothing. For we buy nothing of the duke, if not the right of an undisturbed colonizing, with no diminution of the privileges enjoyed in our own country. For the soil is none of his, it is the natives. This tax is not to be found in the duke's conveyances, but is an after business. Had the planters foreseen it, they would sooner have taken up in any other plantation in America. New Jersey never paid custom before

before the last peace, and that peace reinvests every proprietor by articles. We bought it when free, since which time this imposition is born. The plain English of the tragedy is this: We twice buy this moiety of New Jersey, first of Lord Berkeley, and then of the natives; and for what? the better to mortgage ourselves and our posterity to the duke's governors, and give them a title to our persons and estates, that never had any before. Since by this precedent we are assessed without any law, and excluded our English right of common assent to taxes; what security have we of any thing we possess? We can call nothing our own, but are tenants at will? not only for the soil, but for all our personal estates; while we endure penury, and the sweat of our brows, to improve them at our own hazard only." The curious may find this spirited memorial inserted at large in Sam. Smith's history of New Jersey, published at Burlington 1765, p. 116—125.

The proprietors of East and West Jersey surrendered, *A. D.* 1702, to Queen Ann, their right of government, without any intention to abridge the privileges before enjoyed; among which were freedom of conscience, trial by juries in open court, taxes to be levied only by legislative act, &c. and indeed these privileges they could not lawfully abridge; for the settlers had purchased them, as well as the soil, and therefore, without their own deed, could not warrantably be divested of them: Yet attempts were early made to encroach on these rights. Lord Cornbury arrived in New Jersey, of which he was appointed governor, August 1703; among Queen Ann's instructions to him, the 69 and 70 were, that Episcopal churches should be built at the common charge throughout the government: and the 99, that no person should keep a press for printing, and that no book or pamphlet should be printed without the governor's licence. It was not alledged, that this restriction was necessary to remedy actual disorders: all the pretext for it was, that



that great inconveniencies might arise by the liberty of printing in that province. Possibly his lordship was himself the suggester of these instructions. Be that as it may, his oppressive and arbitrary conduct soon rendered him detested both there and in New York; and *A. D.* 1708, Queen Ann listened to the cries of her injured subjects, and recalled him. The three succeeding governors, Lord Lovelace, Brigadier Hunter, and William Burnet, sought the good of the people, and were esteemed and regarded. See Smith's history, p. 208—355.

§. 9. What hath been extracted from the West Jersey memorial, equally confutes the charge against Chatham, Cambden, Mr Burke, &c. of having taught the colonies to oppose the parliament's right of taxing them. Besides, as the provincial congress in Pennsylvania observe, the opposition in America to the stamp act was fully formed, before it was known there, that their cause was espoused by any man of note at home.

§. 10. But, "is it just, when Britain hath expended such enormous sums in defending America, that America should refund no part of them?" I might reply by asking, whether Britain was at this expence, for the sake of the colonies, or for her own? Whether she could have avoided it, without enabling France and Spain, to ruin her trade and naval power, and to make her as contemptible as the success of the late war made her glorious? Whether, if one corner of our empire suffers the calamities of war, it is equitable and generous, to deprive that corner, by new and unprecedented taxations, of the joys of peace? Were not many of the colonies settled, defended, and governed at their own expence, while the mother country, till the commencement of the last war, was put to a trifling charge, or to none at all, for these purposes? Had it been otherwise, was the profit of two millions a year by the American trade, no recompence to Britain for protecting it? Or, does it contribute nothing to balance

lance accounts between the mother country and colonies, that the latter are prohibited to go to any market north of Cape Finisterre in the kingdom of Spain, and thus are constrained to sell commodities which Britain will not take from them, twice as cheap, and to purchase goods with which she cannot supply them, twice as dear, as they otherwise might: Nay, that they dare not make a hat for themselves of their own furs, and must send their iron to be manufactured in Britain, heavy as that article is, and necessary in every branch of husbandry? Has it not been pled, that the late war was undertaken, rather in defence of the new plantation of Nova Scotia, which has no concern in the present dispute, than of the elder colonies? and yet did not some of these last exert themselves in that war so much beyond what could have been justly required, that parliament thought it just to make them large reimbursements? Why then disoblige them, by interposing the authority of parliament, to procure from them grants, which, when necessary, they had cheerfully made of their own accord, without such constraint? At least in the Massachusetts's colony, the burden of the late war was more severely felt than at home. Let me transcribe a curious account of this matter from Dr. Chauncy's thanksgiving sermon for the repeal of the stamp act, reprinted London 1767, page 11. note \*. "I have been assured by a gentleman of reputation and fortune in Boston, that in the late war he sent one of his rate bills to a correspondent of note in London, for his judgment on it; and had this answer in return from his friend, "That he did not believe "there was a man in all England, who paid so "much in proportion towards the support of the "government." It will render the above accounts the more easily credible, if I inform the reader, that I have lately and purposely conversed with one of the assessors of this town, who has been annually chosen by them into this office for a great number

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of years, for which reason he may be thought a person of integrity, and one that may be depended on, and he declares to me, that the assessment upon this town, particularly in one of the years when the tax on account of the war was great, was as follows. On *personal estate* thirteen shillings and four pence on the pound, that is, if a man's income from money at interest, or in any other way, was 60 *l. per annum*, he was assessed sixty times thirteen shilling, and fourpence, and in this proportion, whether the sum was more or less: On *real estate*, the assessment was at the rate of six years income, that is, if a man's house or land was valued at two hundred pounds *per annum* income, this two hundred pounds was multiplied by six, amounting to twelve hundred pounds, that is, seventy two pounds was the sum he was obliged to pay. Besides this, the rate upon every man's pole, and the poles of all the males in his house upwards of sixteen years of age, was about nineteen shillings lawful money, which is only one quarter part short of sterling. Over and above all this, they paid their part of an excise that was laid on tea, coffee, rum and wine, amounting to a very considerable sum. How it was in the other provinces, or in the other towns, of this I know not; but it may be relied on as fact, that this was the tax levied in Boston. And it has been great ever since, though not so enormously so as at that time. Every one may now judge, whether we had not abundant reason for mournful complaint, when in addition to the vast sums, considering our numbers and abilities, we were obliged to pay, we were loaded with the stamp act; which would, in a few years, have taken away all our money, and rendered us absolutely incapable, either of supporting the government here, or of carrying on any sort of commerce, unless by an exchange of commodities."

§ 11. *Can the Americans with a good grace complain of tyranny in the mother country, for imposing an easy and inconsiderable tax, whilst they themselves are riot-*

ing on the labour of thousands of their species, torn from their dearest relations, and doomed to abject and perpetual slavery? In answer to this objection, it may be asked, where did this infamous commerce originate? Where is it still carried on with all the eagerness which avarice can inspire? Where, but in England? By what means can it be abolished? Surely by that power alone, which America acknowledges the parent state, may justly exercise over all her dominions, viz. the power of regulating their trade. The legislatures of some of the colonies have done what they could to put a stop to the importation of African slaves, by loading it with the heaviest duties: And others have attempted the total abolition of it, by acts of assembly which their governors refused to pass. And though they then petitioned for new instructions to their governors on this head, after all they failed of success (c).

§ 12. *Granting, that some of the American claims are plausible, has not their licentious, insolent and abusive conduct in their manner of prosecuting them, merited the severities inflicted by parliament? The colonies are a part of the British empire, and therefore had no right to prohibit the importing the produce or merchandise of any other part of it. The obstructing such importation, and much more the destroying goods so imported, when the gentler step of not purchasing them might have answered the same end, was a contempt of government, and an act of injustice not to be tolerated. That a disorderly ungovernable spirit hath appeared in the colonies, is too true. It should however be remembered, that it hath been raised and cherished by passing and enforcing laws, judged by them inconsistent with their liberty. Before the unhappy stamp act, there was not a more peaceable and loyal people than they were in the whole British empire. They rejoiced in the friendship and protection of the parent state, and gloried in her prosperity.*

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(c). Mr. Duche's sermon, 7th July, printed Philadelphia 1775. Page 16. Note \*.

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Their attachment to British fashions and manufactures was extravagant, and every penny they could raise was spent that way, which the exchange against them proves. But during the non-importation agreement occasioned by the stamp act, the exchange fell 16 or 17 *per. cent.* below par. In New England civil government was carried on with peculiar order and regularity, and greater care taken, than perhaps in any other country, of the morals and religious conduct of the people; so that if one of the highest rank had dared to swear and blaspheme in the streets, as the meanest common soldier often does in other places, he would have been sent to jail. In Connecticut there were not, for a score of years, above three instances of capital punishments. These halcyon days are indeed past, and the conduct of the colonies, in consequence of the tea act, hath afforded their enemies a wished-for and specious pretext for endeavouring to strip them of some of their most valuable privileges. But while we blame where we must, let us also be candid where we can, and coolly consider what hath been pled to alleviate acts of violence, which, it were to be wished, had never been committed. And here I will take the liberty to transcribe part of a letter to a gentleman, from a correspondent with whom he had expostulated on that subject.

“ You don’t reflect, that allowing the landing the tea, would have implied a submission to, and admission of the act of parliament, which the principal part of America had been opposing. On landing the tea, the duty became payable, and the payment would have been an express acknowledgment of a right in parliament to tax Americans. It is true, though the tea were landed, people were under no necessity of purchasing it. But you forget, that by the act *importation* is the circumstance which makes the tea liable to duty, and upon the importation the duty must be paid by one or other, whether there is or is not a purchaser. Had



the tea been landed, the East India company would have been liable for the American duty, and the people by suffering it to be landed, would have tacitly consented to the payment of the duty, and so admitted the act, and with it all its consequences. But as there is no *importation* without a landing, by preventing the latter, they prevented the former, and thus got rid of the act. Indeed, even if the duty had been payable only in case of a purchase, it would not have been adviseable to permit the landing of the tea, for a reason which the least acquaintance with human nature will suggest.—As to the mode by which landing the tea was prevented at Boston, you may be assured, the people there are not so culpable as they have been represented, if they are culpable at all. When the tea ship arrived, the committee met, determined that the tea should be returned to the India company; sent to the consignees, and informed them of this determination; and then applied to the owners of the vessel, who agreed to her going back with the tea, and to the custom-house officers, who said they would give a clearance, when all the dutiable articles were out. Application was then made to Governor Hutchinson for a let-pass; for the vessel being in Boston harbour, had to pass the castle, in order to go to sea, which she could not be allowed to do without a let-pass, *i. e.* a permission in writing from the governor, which being shown to the officers of the customs, is a warrant to them for clearing the vessel. The governor refused this request, so that the vessel could not go out of the harbour. If the tea had remained on board the vessel in the harbour, by a former act of parliament it would have been subject to the duty, and liable to be seized and kept by the custom-house for security of the payment of it. This time was nearly expired, and there was a report, that then the custom-house officers would immediately seize the tea. Some zealous friends of the colonies perceiving no alternative, but to give up  
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their own liberties, and betray those of all America, or to destroy the tea; in this unhappy dilemma, of two evils chose what appeared to them the least, the destruction of the tea. Indeed, they cannot be said to have chosen what they were compelled to by the obstinacy of their governor, on whom the blame ought to be laid, and not on a virtuous, oppressed people. Besides, the town of Boston cannot be justly charged with destroying the tea. Indeed, almost all the inhabitants of Boston opposed the tea act, but the destruction was made by a few: and whether these few were Bostonians, or even New Englanders, there is no evidence. New England's being a part of the British empire, gives no more title to the East India company to force tea upon them, than it gives to them to land hats in England. It cannot be thought strange, that every colony used the most probable means of preserving her natural and charter rights. If necessity constrained them to measures not agreeable, the authors of that necessity, not those constrained by it, must bear the largest share of the blame."

§ 13. But though these apologies should be supposed weak, it will not be easy to show the equity and expedience of the acts of the subsequent session of parliament, founded on these proceedings. The Boston port bill condemns a whole town unheard, nay, uncited to answer; involves thousands in ruin and misery, without suggestion of any crime by them committed; and is so constructed, that enormous pains and penalties must ensue, notwithstanding the most perfect obedience to its injunctions. Have not other cities been repeatedly affected by popular commotions? Whence then is Boston devoted to such unexampled treatment? Had parliament evidence, did they even suggest, that Boston as a town aided, abetted, and participated in these tumults? The records of Boston, and known facts prove, that the inhabitants discountenanced and disavowed all riot and disorder. At the last town meet-

meeting relative to the East India tea, it was debated, whether the committee appointed to wait on the consignees, should be instructed to insist on their peremptory answer, whether they would send back the tea, and it passed by a large majority in the negative; and yet the destruction of the tea, which took place without any illegal procedure of the town, is the only alledged ground of consigning thousands of its inhabitants to ruin, misery and despair. — If a ship shall be seen hovering within the bay, or within one league of it, any commissioned officer of the fleet, or customs, may compel it to depart to such harbour or station, as he shall appoint. They are not limited even to harbours on the American continent. If they appoint such a station, it is favour; and what price, malice, pride, or avarice, may set on that favour, who can tell? — Another clause in this statute voids all contracts for carrying goods to and from Boston harbour, which have been made, or shall be made, as long as the act continues in force, relating to any ship which shall arrive in said harbour after 1st June. Retrospective or *post facto* statutes, have been always deemed opposite to sound morals and political wisdom: how much more, when they involve in distress innocent subjects, or the natives of other states. One has contracted to send merchandise to Boston, and when he has fulfilled his contract, is not only disappointed of the commodities he expected in return, but even of indemnification from the Boston merchant, his contract being declared to all intents and purposes null. What malignant evil justified such indiscriminate vengeance? These charged with the most aggravated crimes, are not punishable, till arraigned before disinterested judges, heard in their own defence, and found guilty of the charge. But here a whole people are accused; prosecuted by they know not whom; tried they know not when; proved guilty they know not how; and sentenced to suffer inevitable ruin. Their hard fate

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cannot be averted by the most servile submission, the most implicate obedience to this statute. Their first intimation of it was 10th May, and it took place 1st June, thence to continue in full force, till it shall sufficiently appear to his majesty, that full satisfaction hath been made by, or in behalf of, the inhabitants of Boston, to the East India company, for the damage sustained by the destruction of their tea; and until it shall be certified to his majesty by the governor or lieutenant governor of said province, that reasonable satisfaction has been made to the officers of the revenue, and others, for the riots and insurrection above-mentioned. What time must elapse for the town calling a meeting to consult and determine upon the measure; for dispatches to England, application to the East India company, an adjustment with them on the nice point of full satisfaction, and for making the matter sufficiently appear to his majesty? All this done, still they could have no relief till the governor certify to his majesty, that reasonable satisfaction has been made to the officers of the revenue. Litigations here would arise, none being appointed to judge between the subjects and these officers; or if the governor be the implied judge, no direction given, how the question should be brought before him, tried and adjusted; and the Bostonians not being like speedily to procure certificates from such governors as a B. or H. or to rest in their decisions. So short a space is given for staying this torrent of evils, that the subject, tho' exerting his utmost energy, must be overwhelmed, and driven to madness by terms of deliverance, which deny relief till their ruin is irretrievable. — By 4th William and Mary c. 13. towns in Massachusetts's province cannot raise or appropriate any moneys, except to the support of the ministry, schools, and poor, and the defraying of other necessary town charges. The clause *necessary town charges*, cannot include the moneys appointed to be paid to the East India house. The town did not contract that debt;  
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and when our provincial legislatures made the above law, and procured for it the royal approbation, they could have no such charge in view. The town therefore cannot make provision for paying that money, without breach of a law neither suspended nor repealed, parliament having made no new act to enable them to assess themselves for that purpose; and yet, if they don't pay the money, their ruin is inevitable.—The act does not suggest, that the East India company had made any demand for damage done their property; much less that they had alleged any charge against the town of Boston as guilty. Whatever may be the claim of that company, by not prosecuting, they are supposed to waive it. This is the first instance where parliament has ordered one subject to make satisfaction to another; when the party aggrieved does not appear to make his regular claim; and much more uncommon is it for such recompense to be ordered, without ascertaining the amount to which the satisfaction should extend. Suppose the East India company and officers of the revenue were made perfectly easy, who can say, how many others would suggest that they suffered by the riots and insurrections above-mentioned, demand what they termed reasonable satisfaction; and thus by introducing endless litigations, make a full compliance with the requisitions of the act impracticable, and of course render permanent its ruinous consequences.

The above reasonings are extracted from Mr. Quincy's observations on the Boston port bill, published at London 1774. To them I will add a few further observations on the same act, by T. W. a Bostonian, published at Boston 1774.

The support of at least eight tenths of the inhabitants of Boston depends on trade. Labourers and artificers of almost every denomination, with their wives, children and dependents, who, at the lowest computation, may amount to fifteen thousand, are reduced to a starving condition; none of which,  
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so far as is known, had any more hand in the destruction of the tea than Lord North, and few of whom were among these, who constituted the assemblies that have been complained of as riotous. This is the case of our ship-builders, mast-makers, riggers, caulkers, rope and sail-makers: of our house-carpenters and masons, who have now little to do, as timber, brick, lime, &c. are not permitted to be landed in our harbour: of our distillers and sugar-boilers, as no molasses nor sugar are suffered to come there: of our coopers, even if they could procure staves and hoops, as the work of trimming imported casks, and making others for exportation, is at a period: of our truckmen, porters, and a numerous train of day-labourers, who must now suffer hunger, and be cloathed with rags. Nay, the sufferings occasioned by this act, extend to all towns on the sea-shore for hundreds of miles, whose business is that of coasting, as they are restrained from bringing to this port any merchandise, or carrying any out of it, however necessary for them. No merchandise is permitted to be brought even from Marblehead or Salem, the port substituted in the room of Boston, but by land-carriage, which, though greatly expensive, is made almost doubly so: as instead of fifteen miles only by going over a ferry, the necessary carriage is now no less than twenty-eight; which is as distressing to the merchants in these towns, as to those in Boston, as thereby deprived of a market for much the largest part of their West India imports. Had punishment been only threatened, had it been at our own option, whether we would submit or suffer, the reason for complaint would have been less. But without previous warning, in the proposal of any terms that might have prevented the coming of evil upon us, it is inflicted with ineffable vengeance, so that should we servilely submit to all required, we must notwithstanding suffer almost total ruin. The conditions, upon which alone our sufferings are to be



removed, far from being fixed with precision, are so loose and indeterminate, that a governor may, should he so please, perpetuate them during his political existence, the king in council not being enabled to open the port without his certificate. The wharfs and landing-places in Boston, which are the property of numerous individuals, and of a much greater value than all the teas the East India company have sent to this whole continent, are, as to the use of them, wherein only their value consists, wrested out of their hands, and put into the king's, to be disposed of at his pleasure. The plea for this extraordinary vengeance is, dangerous commotions and insurrections in the town of Boston. But has not that been as much the case in the city of London? yet that city was never punished for these riotous disorders, much less with a severity portending its destruction. Would Boston have been thus cruelly dealt with, had not its distance from Britain been so great, that its groans could not be heard there, so as to move indignation or compassion in our brethren.

It has been well observed in the lords protest against the regulating act, that the legal condition of the subject (standing unattainted by conviction for treason or felony) ought never to depend on the arbitrary will of any person whatever: Yet the shutting up Boston harbour, does not determine on payment of a fine for an offence, or a compensation for an injury; but is to continue till the privy council think fit to revoke it.

The author of a summary view of the rights of British America, printed Williamsburgh 1774, takes notice, that, though two wharfs in Boston are to be opened again, when his majesty shall think proper; the residue, which lined the extensive shores of the bay of Boston, are for ever interdicted the exercise of commerce: so that the trade, which cannot be received at two wharfs alone, must, of necessity, be transferred to some other place.

§ 14. By the regulating act, a governor may prevent all town meetings, except these for choosing town officers and representatives. No other business, however trifling or important, can be legally transacted, even in the most distant towns, so as to bind the inhabitants, without leave obtained in writing from the governor, expressing such special business; though it should happen, that if not done in less time than necessary for that leave, it cannot be done at all. Without such leave, they cannot settle a minister, lay out a new road, or raise money for mending an old one. Yea, they are forbidden to treat, *i. e.* to talk of any other matter, than the election of officers at the March meeting, and the business expressed in the governor's leave at the other meetings. Should a governor's favourite embezzle the town's money; should an admired candidate for a vacant church, be reported as a warm friend of liberty; should an oppressed town be desirous of stating its grievances and seeking redress; should electors incline to instruct their representatives, on matters of the highest concern; the governor's interest may prevent his giving them leave to act in their corporate capacity. All the towns of the colony are reduced to this slavish dependence, because it is said, town meetings have been abused, matters of general concern treated on in them, and many dangerous and unwarrantable resolves passed. It is not alledged, that they have done this wilfully and perversely: It is only said, that they have been foolishly misled; and yet on that account they must be deprived of their liberties. Administration on the same pretext, and as equitably, might suspend every American assembly; might ease itself of the opposition of the city of London, by a like regulation of their charter; nay, might prevent all corporation and country meetings in Britain, that they might be pestered with no future petitions or remonstrances: Nay, as the protest-

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ing lords observe, the governor and council thus entrusted with power, with which the constitution has not trusted his majesty, and his privy council, have the means of returning such juries as may suit the gratification of their passions and interest. The lives, liberties and properties of the subject are put into their hand without controul; and the invaluable right of trial by jury, is turned into a snare for the people, who have hitherto looked upon it as their main security from the licentiousness of power (*f*).

The act for the impartial administration of justice, &c. is no better calculated to convince the Americans, that their lives and properties are safe in the hand of parliament, and to recommend implicit submission to their authority. The Americans are, by their charters, invested with the immunities of Englishmen. To be tried by the peers of the vicinage is one of these immunities. Therefore an act which declares, that an American accused of a crime committed within the precincts of his colony, may, if the governor pleases, be brought over to Britain to take his trial, militates against the constitution and common law, which the three legislative bodies are solemnly bound to maintain inviolable. The witnesses too, however their health may be impaired, or their life endangered, by a long voyage and change of climate; and whatever their wives and families may suffer by the want of their labour; yet, on the receipt of such a sum, as the governor shall think reasonable for them to expend, are to enter into recognizance to appear at the trial.

§ 15. Equally exceptionable is the Quebec act. While Canada was under the dominion of France, her despotic laws, which expose the lives and properties of subjects to continual depredations from the malice and avarice of those in authority, were in

(*f*). See Gordon's religious and civil liberty, reprinted London 1775. Page 4.---8. Note \*.

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in force there : but when it was conquered by Britain, his majesty, by proclamation, promised to all who should settle there, a full enjoyment of the rights of British subjects. Notwithstanding this, the Quebec act annuls and makes void the said proclamation, and the government hitherto established in consequence of it, though the people of Canada, at large, never expressed a discontentment with their new establishment, or solicited a restoration of their old, nay, by the best intelligence, were averse to the change. However this may be, the French laws and customs in all matters of property and civil right are revived, until they shall be varied and altered, by any ordinances, passed in the said province by the governor and council. Thus the antient laws of Canada are restored, liable to such variations and additions, as shall be deemed necessary by the governor and council ; and as both the one and the other are appointed by the king during pleasure, they will be his creatures, and the civil rights and properties of the Canadians made altogether dependent on his will, because the power of altering them by new ordinances is unlimited. The king has only to inform the governor and council, what new laws, he would chuse to have passed, and their situation will insure their compliance. It is also provided, that nothing in the act shall hinder his majesty, his heirs and successors, from erecting from time to time such courts criminal, civil and ecclesiastical, and appointing from time to time the judges and officers thereof, as they shall judge necessary. So that the prince's prerogative enables him, if he inclines, to establish the most iniquitous, cruel and oppressive courts ; and to appoint temporary judges and officers, whom he can displace and change, as often as he pleases. The criminal laws of England are indeed established, but that important privilege is rendered uncertain, by a clause which makes them subject to such alterations and

amendments as the governor, with the advice of the council, shall from time to time cause to be made therein. Under this notion, the king, through the medium of his creatures, the governor and council, may entirely new mould the criminal laws of Canada, and make them subservient to the most tyrannical views. It has been denied that the right of trial by juries is taken from the Canadians; and pled, that their provincial legislature may introduce them when they please, and it is expected will, as soon as the inhabitants desire, and the state of the country admits it. But a civil right is that which law and constitution confer, not that which may be derived from the arbitrary bounty of those in authority. The possibility that the legislature of Canada may hereafter introduce trials by juries, does not imply a right in the people to enjoy them. Thus, by this act, the whole legislative, executive, and judiciary powers are ultimately and effectually, though not immediately, lodged with the king. By the same act, the church of Rome has the sanction of a legal establishment, in the province of Quebec: provision being made not only for the protection, but for the permanent support of Popery, by the clause, *that the clergy of the church of Rome may hold, receive and enjoy their accustomed dues and rights, &c.* Much stress has been laid on the word *may*, as a bare permission to the clergy to enjoy their usual emoluments. But if they *may* if they please, there must be a correspondent obligation on their parishioners, to pay these dues, when required. What the law gives an unconditionable permission to enjoy, no person can legally withhold from us: It becomes our property, and we can enforce our right to it. *Tithes in Canada*, it is said, *are the property of the Romish church; and permitting a tolerated church to enjoy its own property, is far short of the idea of an establishment.* Certainly, previous to the surrender of Canada, the Catholic religion was established -

blished there by the laws of France ; and tithes were  
 on that account the legal property of the church of  
 Rome, and could not be with-held by the laity,  
 though ever so much disposed to it. But, after the  
 surrender, the French laws being no longer in force,  
 the establishment of the Romish church, and her  
 property in tithes ceased of course. It is true, the  
 clergy may have continued to enjoy them: but it  
 was at the discretion of the laity, to with-hold, or  
 abridge them, if they thought proper. But by the  
 late act, the church of Rome is restored to her for-  
 mer legal claim to tithes, which she before received  
 only from the voluntary bounty of her proselytes.  
 The characteristic difference between a tolerated  
 and established religion is this : With respect to the  
 support of the former, the law is positive and im-  
 provident ; leaves it to those who profess it, to  
 make as much, or as little provision as they judge  
 expedient, and to vary that provision as they  
 please : But with respect to the support of the lat-  
 ter, the law is active and provident. Certain pre-  
 cise dues (tithes, &c.) are annexed to the clerical  
 office, independent on the will of the people ; which  
 is exactly the case with the Canadian priests, and  
 therefore no impartial man will doubt that Popery  
 is established in Canada. It is often asserted, that  
 ample provision has been made by the act for the  
 future establishment of the Protestant religion. And  
 indeed, after the clause, that " The clergy of the  
 " church of Rome may hold, receive and enjoy  
 " their accustomed dues and rights." This clause  
 follows : " Provided nevertheless, that it shall be  
 " lawful for his majesty, his heirs and successors,  
 " to make such provision out of the rest of the said  
 " accustomed dues and rights, for the encourage-  
 " ment of the Protestant religion, for the mainte-  
 " nance and support of a Protestant clergy, within  
 " the said province, as he or they shall, from time  
 " to time, think necessary and expedient." But



when the Romish clergy receive their accustomed dues, where shall we find that *rest* or remainder, which is to be applied for encouraging Protestantism? Besides, had there been really provision made to be applied at the discretion of his majesty, still no Protestant would consent to let the free exercise of his religion depend on the meer pleasure of any man, as thus it must be rendered insecure and precarious. Yet by this act, it is in the king's power, to keep the Protestants of Canada for ever dispossessed of all religious immunities. If this act were justifiable, in relation to the province of Quebec within its antient limits; there is no pretext for it, when considered as annexing so boundless an extent of new territory to the old, and placing the whole under the same exceptionable institutions civil and religious. The present policy of the act is this. By giving a legal sanction to the accustomed dues of the priests, it was intended to interest them in behalf of administration; and by means of all the dominion they possess over the minds of the laity, together with the appearance of good will towards their religion, to prevent any dissatisfaction which might arise from the loss of their civil rights, and to gain their assistance in subjugating the other colonies. The future police of it demands particular attention. The nature of civil government will hereafter put a stop to emigrations from other parts of the British dominions thither, and from all other free countries, and the advantages secured to Popery discourage all Protestants, so that the province will be settled and inhabited by none but Papists. If lenity and moderation are observed in administering the laws, the natural advantages of this fertile infant country, united to the indulgence given to their religion, will attract droves of emigrants, from all the Roman Catholic states in Europe: and thus the old colonies, in time, will find themselves encompassed with a numerous host of neigh-

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neighbours, disaffected to them, both because of difference in religion, and government. How dangerous their situation would be, let every man of common sense judge (g).

§ 16. How important it is to Britain, that Protestantism should prevail in the colonies, and what danger there is of the contrary, let me set before my readers, from the most respectable and unexceptionable authorities.

*Abp. Cornwallis's sermon before the society for the propagation of the gospel in foreign parts, 20th February 1756. p. 17.* "I do not see how our colonies, situated as they are, and little able by their own means, to provide themselves pastors and instructors, are likely to continue in the Protestant principles, without our aid and liberality. For the Papists lying always in wait to deceive, creeping into every house, and leading captive the ignorant and unwary, have a fair opportunity of instilling their doctrines, and seldom fail of success, in places where religion is either made a matter of indifference, or where there is a failure of such persons, as are fitted to counteract their designs, and to prevent the poison of their insinuations; and if our colonies change their communion, we shall be in great danger of losing the fruits of their industry. For a forsaking their Protestant principles will necessarily terminate in a change of their allegiance; and if they quite our faith, they will leave us little hope of retaining their friendship: And we may say in general, without any offence against charity, and without any severity of judgment, that it is as difficult to conceive how a sincere Papist can be a good subject in a Protestant nation, as it is to conceive how a person can be faithful to our interest, who looks upon it as a duty to act in opposition to it."

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(g). This section is an abridgment of remarks on the Quebec bill, by the author of the *Farmer Refuted*, inserted in *Rivington's New York Gazetteers*, 15th, and 22d July 1775.

*Bp. Ellis's society sermon, 1759. p. 28.* "If by such means the number of Papists should much increase in the British colonies, there would be so many more certain enemies to the interest of the nation. In which case, they would either endeavour to throw off their dependence upon it, or would betray and give up the colonies to a neighbouring power, our enemy there as well as in Europe, who always will be ready to receive and support them. As the great importance of those colonies to this kingdom is now understood, it is easy to conceive what their loss would be to us, especially should they come into the possession of an enemy solicitous to impair, and, as far as possible, ruin our commerce, who therefore would improve all advantages, which these colonies might afford, to the height, against us: perhaps so far, as to become, at length, superior to us in maritime power, in which case, the way would be visibly opened to our final destruction."

*Bp. Terrick's society sermon, 1764. p. 28.* "The toleration of the free exercise of the Popish religion in the conquered countries, however it may reflect honour on the lenity and moderation of our principles, calls for all our caution to guard against that zeal and bigotry which will watch every opportunity of making converts among those, with whom they must have a constant intercourse, by living under the same government, and of infusing into the neighbouring Indian tribes, too readily disposed by their natural rudeness and barbarity to be savage and cruel in their manners, the spirit of a religion which will give an edge to every revengeful and inhuman passion, and teach them to be our most dangerous and destructive enemies from principle."

*State of the society from, 1766, to February 1767, p. 47.* The Rev. Mr Moreau, the society's missionary to the French at Lunenburg, Nova Scotia, writes, that the Indians had shown him the copy  
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of a letter, which they are told was written by Jesus Christ to the Bishop of Luçan in France to be sent to them : It is signed by two persons, who say they had received it from the said Bishop to be distributed among the savages : Each of them has a copy of it, which they wear next their heart. The letter is filled with the greatest absurdities imaginable. They are therein threatened with eternal damnation, if they fail in any point of the Romish religion ; and, on the contrary, are promised eternal happiness, if they separate from these of a different opinion. They are never to die a sudden death, nor be drowned, nor perish in war, so long as they have this letter next their heart.

Ib. p. 50. Mr Baily, the society's itinerant missionary on the Eastern borders of Massachusset's Bay, writes, that a great number of Indians, the remains of the ancient Norridgewalk tribe, frequent that neighbourhood. They have a great aversion to the English nation, chiefly owing to the influence of Roman Catholic missionaries, who instead of endeavouring to reform their morals, comply with them in their most extravagant vices, and teach them, that nothing is necessary to eternal salvation, but to believe in the name of Christ, to acknowledge the Pope his holy viceroy, and to extirpate the English, because they cruelly murdered the Saviour of mankind.

§. 17. These things are by the great and the many now forgotten. Popery is esteemed politically innocent, nay friendly to government : and the principles of Dissenters are traduced as seditious and rebellious. The late disturbances in the colonies are adduced in support of this charge, and are painted in the most aggravated and ugly colours : while the riots and murders committed by the White Boys in Ireland are never mentioned as indications of an unpeaceable and ungovernable spirit in Catholics. It is not remembered, that the Episcopal colonies  
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of Virginia and Carolina, have discovered the greatest zeal and warmth of any of the colonies in opposition to the measures of administration, New England that immediately suffered by them excepted:—That the dissenting colonies of New York, Pennsylvania and New Jersey have been esteemed the most moderate: that the Presbyterian clergy in the middle colonies exerted their utmost endeavours to allay the heats occasioned by the stamp act, and, till very lately, took no part, either from the press or pulpit, in the present contentions: and that the convulsions in America originated from causes no way connected with the peculiar sentiments of any religious sects, and which, if there had been a Catholic colony of Corsicans, would have operated upon them, as much as upon the Congregationalists of New England.

How small a share of the indulgence shown to the Papists in Canada, hath been granted to the Presbyterians in New York, though that country, when conquered from the Dutch, was Calvinist and Presbyterian! I know that their opposing the introducing bishops into America, hath been complained of as indicating an intolerant, bigotted and illiberal spirit. But the candid, when apprized of facts, will cease thus to complain, and rather admire their patience under hardships and sufferings. Perhaps in America there may be five Dissenters for one Episcopalian. In New York colony, two thirds of the inhabitants are Presbyterian, and not above a fifteenth part church of England. All the former ask is, charters of incorporation, to secure the property of their churches, and to recover legacies. Such a charter is readily, and very justly and properly, granted to the most inconsiderable Episcopal society in the province. But four times has the most flourishing and respectable Presbyterian society in it, applied to government for a grant so innocent to others, and so essential to themselves, and as  
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often been disappointed. For want of such a grant, they have been obliged to convey the rights of their place, of worship to the general assembly of the church of Scotland; they have lost a hundred pound lately bequeathed them, the Episcopal executors keeping the money to themselves, because they know payment could not be compelled by law; and they must lodge their money in private hands, whose honesty is their only security. No wonder then they oppose the introducing of the whole body of Episcopacy, when they find its little finger so burdensome. They wish not to deprive others of their religious rights. They only desire sufficient security for their own: and that granted, the Episcopalians, without any obstruction from them, may have their bishops as soon as they please.

§. 18. It was natural for all the American colonies to unite their councils, in order to procure a repeal of the above mentioned acts of parliament, and a redress of the grievances occasioned by them. With this view a continental congress was appointed and met. Probably the legality of this meeting was not very scrupulously considered, and most of its members would reckon a small violation of human laws excusable, when necessary for preserving natural and charter privileges. Their particular assemblies had sent repeated petitions to parliament, which had been refused; some, because they were against money bills; and others, because they disputed the rights of the British legislature. On other occasions, legal methods of presenting their remonstrances and complaints were obstructed, by governors dissolving, or refusing to call the Provincial assemblies. When the old constitutional channel of conveying their sentiments was thus stopped, it was not to be wondered at, that they thought it necessary, to adopt a new method of doing it, that, though possibly less legal, might perhaps prove more effectual. Besides, an act of the



the first of William and Mary, declares the right of subjects, to present their grievances and petitions to the king for redress. And if they have such a right, surely they may depute some of their number to act for them in exercising it. I wish all their proceedings admitted as favourable an apology. Non-importation and non-exportation agreements may be legal: for if men may trade or not as they chuse, I cannot see, why united resolutions of doing what is legal, can be contrary to law. But of the equity, prudence and moderation of that measure I am not satisfied. And if more of the spirit of the Pennsylvania provincial congress had appeared among them, perhaps they would have had less cause to confess, and Britons and Colonists to regret, their having done the things they ought not to have done, and omitted the things they ought to have done. But I am writing to Britons, not to Colonists. From the interruption of correspondence with America, I am not sufficiently instructed in the proceedings of that congress, or of what hath happened since, to make particular reflections. Without breach of charity or truth, or adopting the unjust and aggravated charges on either side, I may apply to both Horace's description, *Ep. 2.*

*Seditione, dolis, scelere, atque libidine, et ira,  
Iliacos intra muros peccatur et extra.*

§. 19. From the continuance of the breach, more and worse evils may be dreaded. It is high time for both sides to consider, not so much what they can justly claim, as what they can safely yield; and whether it is not best to secure advantages from their mutual connection, which may be secured without the further effusion of blood, or endangering the complete and final dissolution of their connection. Of the last some can think and talk with great-indifference. I must be excused in differing from them, as I apprehend the dissolving of their connection would soon prove the ruin of both coun-

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countries. The consequences to Britain are obvious. "The colonies are the source of our wealth, from whom our commerce receives its very life and existence, and our naval strength its continual supply and increase (b)." The customers we gain in foreign trade, we possess under restrictions and difficulties, and may lose in the rivalry of commerce. Those that a trading nation can create within herself, it deals with under its own regulations, makes its own, and cannot lose. In establishing colonies, a nation creates people, whose labour increases her manufactures and exports, and extends her power: on which valuable consideration they have a right to the privileges and protection which they receive (i). The West Indies must dreadfully suffer, if not starve, by having their commerce stopped with North America. They get all their bread and flower, staves, heading and hoop poles, and most of their animal food from thence, and must for ever depend on North America, because they cannot form a magazine of provisions, on account of the heat and vermin, and cannot be regularly and constantly supplied from any other quarter. Thousands employed in the American trade, must suffer by the want of that market: and the treasury must be greatly impoverished, by a period being put to exportations from America. The duty of tobacco exported from Virginia to England amounts to 300,000l. sterling per annum; what then must be the amount of all the duties paid by the produce of all the colonies? And what must the nation lose by such a deduction from her annual income?

§ 20. But some will plead, there is no danger of the colonies succeeding in the present contest. They are a dastardly pusillanimous people; and though some of them can fight when sheltered by dykes

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(b) Bp. Johnson's Society sermon, 1758. p. 10.

(i) Pownall's administration, part I. p. 38.

and hedges, the numerous fleets and land forces we are about to send to America, will soon subdue their obstinacy, and reduce them to reason. — I am not convinced, that the Americans are wanting in spirit and courage. The raising fortifications provided by God and nature, is no more an argument of cowardice, than our army guarding against attacks by works of their own raising. Fortitude and fool-hardiness are different. When a false rumour spread through New England, that the fleet and troops were firing upon the town of Boston, there were thirty or forty thousand men in arms in less than twenty-four hours, and some of them had marched from twenty to thirty miles, towards Boston before they were undeceived. An enthusiastic passion for liberty has often undertaken the most desperate designs, and yet succeeded in them. And if I may judge by conversations with North Americans, or by the sentiments or stile of their letters and publications, such a spirit is strong and prevalent among them. Let me mention one instance. When in the continental congress 1774, the danger of a rupture with Britain was urged as a plea for certain concessions, Mr. Samuel Adams rose up, and among other things said, “ I should advise persisting in our struggle for liberty, though it was revealed from heaven that 999 were to perish in the struggle, and only one of a thousand to survive and to retain his liberty. One such freeman must possess more virtue, and enjoy more happiness than a thousand slaves; and let him propagate his like, and transmit to them what he hath so nobly preserved.” Tell them, that our fleets can reduce to ashes all their maritime towns. They readily acknowledge it, but coolly reply, that however deep and heavy such a calamity would prove to many of them, they would deem liberty cheaply purchased, at the expence not of Boston only, but of all their harbours. The superiority of our

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our officers, military discipline, artillery, and pecuniary resources, they do not dispute: but flatter themselves these advantages will be balanced by their union and number: and that more vigorous exertion and persevering steadiness are to be expected in those who fight from principle, than in men hired to hazard their lives for sixpence a day, and who by running away may earn two shillings a day for their work; or get land, where they may live plentifully, and provide for their wives and families. They believe that all the military force of the mother country is unable to conquer, or if conquered to secure the subjection of their wide extended continent. In the first, I suppose they will find themselves mistaken, and that Britain, though with greater difficulty, and at a more enormous expence than administration once apprehended, may turn a once fruitful and flourishing country into a waste and desolate wilderness; rival states with pleasure, permitting conquests, from which, though our fleets and armies may reap laurels, they alone will derive profit. We may probab'y pull down American grandeur, but in pulling it down, we bid fair to bury the honour and happiness of the British empire in the ruins. Or, if America, without being ruined, should be subdued, if to prevent her utter destruction, she should submit to terms of pacification that appear to her cruel and unjust: Is it not probable that resentment and hatred against Britain will be transmitted from father to son, and the first opportunity seized, of shaking off the galling yoke? Measures of severity may increase our power for a season, but the affection of the colonies alone can render it permanent. A little yielding in this critical season, may in no distant period prevent our losing all. From the vast fleets and armies that have been sent to America, from the great majority in favours of administration in both houses of parliament, and from the weak and inconsiderable opposition

position made to these measures in most parts of the United kingdom; sober-minded Americans must dread the most calamitous consequences from war with Britain, and be disposed to make every concession that they account compatible with the security of their liberty. If we ask more, we may drive them to a despair, which, when too late, we may repent our having provoked. A foreign power at war with us, may furnish them with the means of becoming independent. Or, as Governor Pownal has conjectured (*j*), "A commander in chief of all North America, in the possession of his power of levying forces and carrying on war, like another Monk, may negotiate to deprive the prince of his power, or the subject of liberty: nay, when the nation is engaged in some future dangerous war, may erect a new empire in America." Our artful and ambitious neighbour, when she perceives us sufficiently weakened by an expensive and bloody contention with our colonies, may attack us when most unable to resist. At least, it is not improbable, that in some future struggle with our natural enemies, we may fatally succumb, for want of these assistances of men and money, which, had we acted a wiser part, the increased number and wealth of our colonies would have enabled, and their affection and gratitude inclined them to have furnished us. To some, who dislike the Colonists for their attachment to revolution principles, and to the illustrious house of Hanover, and who wish the crown of Britain on the head of a Popish pretender, this may appear not an evil to be deprecated, but a consummation devoutly to be wished for. For that class of men, the foregoing sheets were not intended. An honest Tory, an honest Jacobite, I respect. Though I despise and detest the principles of passive obedience, non-resistance, and indefeasible hereditary right; I venerate and love the men, who from a conscientious regard

(*j*) Pownal's administration, part I. p. 97.



regard to these principles, have risked or forfeited their fortunes or lives. But I cannot respect, I must detest, treachery and deceit. I cannot respect the men, who call themselves the king's friends, may claim a monopoly of that title, or at least would exclude from it every Whig who understands his principles, and thinks and acts consistently with them; while they rejoice in the prospect, that the contentions of our sovereign's true friends, may overturn his throne and Britain's liberty. I would not involve in the charge of such black dissimulation, any whose words or actions have not given evidence of it. I acknowledge, that men who condemn the revolution, may be conscientious subjects to his majesty, and I well know some of them, who would deem rebellion against him criminal. Yet surely, some jealousy, that there may be a snake in the grass, is almost unavoidable, when individuals and communities which till lately laboured under the strongest suspicions of disaffection to government, commence, all of a sudden, the most zealous advocates for the measures of administration.

*Timeo Danaos, et dona ferentes,*

F I N I S.



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